

Paul E. Wehmeier

From: Paul E. Wehmeier
Sent: Monday, September 12, 2016 4:26 PM
To: 'Ben Gastel'; Anthony Orlandi
Cc: Matt H. Cline <matt@gideoncooper.com> (matt@gideoncooper.com);
kkrause@bkblaw.com; Rachel P. Hurt; Michael Fitzpatrick; Moran, John W.; Gerard
Stranch; 'Chalos, Mark P. (mchalos@lchb.com)'; Martin, Annika K.; Leslie Dunn
Subject: RE: New England Compounding Pharmacy, MDL 2419 - E-Discovery Review of Records

Ben:

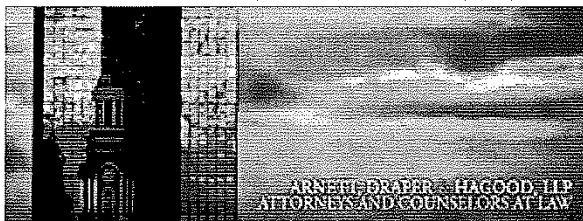
Thanks for your e-mail and your willingness to look at an extension. As we discussed by phone, my calculation of three weeks from September the 19th was incorrect, the date would be October 10th, not October 3, 2016. Please forgive the error.

That said, we understand that the PSC will agree to grant us an extension to September 26th, with the understanding that if additional time is necessary, CMC may seek it from the Court. We understand that the PSC's and SSC's concerns about additional time beyond the 26th of September revolve around current scheduling deadlines and that the PSC is not generally opposed to an additional extension for CMC, if necessary.

If this understanding is incorrect, please let us know.

Regards,

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From: Ben Gastel [mailto:beng@bsjfirm.com]
Sent: Monday, September 12, 2016 4:02 PM
To: Paul E. Wehmeier; Anthony Orlandi
Cc: Matt H. Cline <matt@gideoncooper.com> (matt@gideoncooper.com); kkrause@bkblaw.com; Rachel P. Hurt; Michael Fitzpatrick; Moran, John W.; Gerard Stranch; 'Chalos, Mark P. (mchalos@lchb.com)'; Martin, Annika K.
Subject: RE: New England Compounding Pharmacy, MDL 2419 - E-Discovery Review of Records

Paul,

I have talked with counsel for Specialty Surgery Center and we have tried to work into our scheduling order the proposed three week extension. It would be tremendously helpful to us to allow for only a two week extension, otherwise, we have key deadlines that bump into Thanksgiving and Christmas holidays that would really throw a wrench into the schedule. Would you consider a new due date of September 26 instead of October 3?

Please advise.

Thank You,

Ben Gastel
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From: Paul E. Wehmeier [mailto:pwehmeier@adhknox.com]
Sent: Monday, September 12, 2016 8:32 AM
To: Anthony Orlandi <aorlandi@bsjfirm.com>; Ben Gastel <beng@bsjfirm.com>
Cc: Matt H. Cline <matt@gideoncooper.com> (matt@gideoncooper.com); <matt@gideoncooper.com>; kkrause@bkblaw.com; Rachel P. Hurt <rhurt@adhknox.com>; Michael Fitzpatrick <mfitzpatrick@adhknox.com>
Subject: New England Compounding Pharmacy, MDL 2419 - E-Discovery Review of Records

Tony and Ben:

We want to follow up regarding the E-Discovery Phase of the document review. Currently, we have five of our firms 15 attorney's reviewing the 19, 131 records (after segregation of certain records) which we understand consists of 85,000 pages of materials.

We received initial access to the records on August 18, 2016, but our review was slowed by the forensic report review. We were able to focus more attention on the records beginning the last week of August. Our attorneys are working diligently to review each record, but they are also servicing other clients. Thus, they cannot devote 100% of their time to the record review.

To date, we have conducted a first pass review of approximately 7,458 records. This is slightly more than one-third of the records, but it is unclear how many pages have yet to be reviewed. Accordingly, we are asking for an additional three weeks to review these materials. We calculate our current due date to be September 19, 2016. Thus, the new due date we request would be October 3, 2016. We anticipate being able to roll out several batches of records to SSC for review later this week.

If this is acceptable to you, please let us know. If not, we will be forced to seek additional time from the Court, further delaying our ability to review the records.

We appreciate your attention to this matter.

Regards,

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